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OFFICE OF PETITIONS ,

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In re Application of :
Aninye, et al. :
Application No. 10/591,830 : ON PETITION
Filed: September 6, 2006 :
Atty Dckt No. 364433-000008 :

This is a decision on the "Petition to Correct Inventorship under 37 CFR 1.48(a)" filed on August 25, 2009, which is being treated as: (a) a petition under 37 CFR 1.48(a)(1) requesting that a person be added as inventor and (b) a petition under 37 CFR 1.183 waiver of the requirement under 37 CFR 1.48 that each actual inventor execute a declaration under 37 CFR 1.63.

The petition under 37 CFR 1.48 is **DISMISSED**.

The petition under 37 CFR 1.183 is also **DISMISSED**.

On September 6, 2009, the above-identified application was filed with an executed declaration naming Steve Aninye as the sole inventor.

On August 25, 2009, the instant petition was filed, whereby petitioners seek to add Yoganand Rajala as a joint inventor. Petitioners concurrently filed a petition requesting waiver of the requirement that all joint inventors execute a new declaration.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) a petition including a statement from each person being added and each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;

(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;

(3) the fee set forth in 37 CFR 1.17(i), and

The petition under 37 CFR 1.48 has satisfied all of the requirements of 37 CFR 1.48 set forth above, except the requirement for a declaration under 37 CFR 1.63. The satisfaction of this requirement is addressed by the petition under 37 CFR 1.183.

The petition under 37 CFR 1.183 cannot be granted because the fee for the petition in the amount of \$400.00 was not present and neither was a conspicuous authorization to charge a deposit account for any deficient amount. Petitioner must remit an additional \$200.00 for the petition fee in order for the petition under 37 CFR 1.183 to be granted.

The renewed petitions need not be accompanied by all the documentation filed with the instant petition. Petitioner need only file a cover letter indicating that the petitions under 37 CFR 1.48 and 1.183 are being renewed accompanied by an additional \$200.00 for the petition under 37 CFR 1.183.

By mail: Mail Stop Petitions
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By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3222.

A handwritten signature in cursive script, appearing to read "Kenya A. McLaughlin".

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions